



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 17 2014

Mr. Lester Randall, Chairman
Kickapoo Tribe in Kansas
1107 Goldfinch Road
Horton, Kansas 66439

Re: Public Drinking Water System Monitoring Requirements
Federal ID No.: 070000002

Notice of Violation

Dear Chairman Randall:

The Kickapoo Tribe operates a Public Water System, as defined by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* and by the Code of Federal Regulations at 40 CFR Part 141. Every PWS in the United States is required to perform regular testing of its drinking water to make sure it is safe for human consumption. The U.S. Environmental Protection Agency, Region 7 is the agency with the responsibility to monitor the Kickapoo Tribal PWS for compliance with the Safe Drinking Water Act.

This letter is to notify you of violations of the SDWA, as follows:

Violation 1: Maximum Contaminant Level Exceedance of Running Annual Average – Stage 1 Disinfection Byproducts (DBP) Rule, 40 CFR § 141.133(b)(ii), Total Trihalomethanes:

The SDWA sets a Maximum Contaminant Level of 80 micrograms/liter of Total Trihalomethanes in drinking water, based on a running annual average. The running annual average calculated, with the third quarter 2014 sample results included in the calculation, is 81.3 micrograms/liter.

Beginning October 1, 2014, Community Water Systems, such as the Kickapoo Tribal PWS, must transition from monitoring under the Stage 1 DBP Rule to monitoring under the Stage 2 DBP Rule, which requires a Locational Running Annual Average for both TTHM and HAA5.

As a result of this violation of the TTHM MCL, calculated pursuant to the Stage 1 DBP Rule, the regulations require the following actions:

- 1) Per the regulation at 40 CFR Part 141.203, Tier 2 Public Notice, the Kickapoo Tribe PWS shall, within 30 days after it learns of the TTHM violation, post a Public Notice in which it describes the MCL exceedance for its consumers. The Public Notice is to be posted in public places such as Tribal offices, the Health Clinic, Senior Housing, the Senior Citizens Center, and the Trading Post. The Public Notice shall also be included in the monthly billing statement sent to customers.
- 2) Per the regulation at 40 CFR § 141.203(b)(2), a PWS that exceeds the TTHM MCL under the



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Stage 1 DBP Rule either just before or during the transition period to the Stage 2 DBP Rule must continue to provide quarterly Public Notices of the Stage 1 MCL violation to its consumers until the PWS collects enough new samples to make a new Locational Running Annual Average under the Stage 2 DBP Rule, and the system can demonstrate that the new LRAA is below the MCL. Accordingly, quarterly Public Notice for the violation described above should continue to be made until at least October of 2015, at which point it will be possible to calculate a new LRAA in accordance with the Stage 2 DBP Rule.

- 3) Per the regulation at 40 CFR § 141.31(d), the Kickapoo Tribal PWS must certify to the EPA that it has provided the required Public Notice of an MCL violation. Within 10 days of completing the Public Notice requirements described in Paragraph 1 above, the Kickapoo Tribal PWS shall submit to the EPA a certified statement that it has fully complied with the public notification requirements. The certification should include a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system.
- 4) For your convenience, a Public Notice and a blank Certificate of Delivery form are enclosed. Please note, on the Public Notice, the Corrective Actions section must be filled out prior to posting. The Public Notice enclosed may be used either for posting or for providing to customers. As noted above, please provide a representative copy of each type of public notification provided and a certification that the public notification requirements have been complied with within 10 days to:

U.S. Environmental Protection Agency
Region 7
ATTN: Kimberly Willis
WWPD/DRWM
11201 Renner Boulevard
Lenexa, Kansas 66219

The concentration of Disinfection Byproducts in the Kickapoo Tribal PWS (including both Total Trihalomethane and Haloacetic Acid) has been increasing steadily over the past several years. The chart below shows the increasing trends in the Quarterly Running Annual Average for each contaminant since the first quarter 2012. It is important that sampling and procedural changes be made to address this trend so that further violations can be avoided. The TTHM Maximum Contaminant Level for the Running Annual Average is 80 ug/L. The HAA5 Maximum Contaminant Level for the Running Annual Average is 60 ug/L. The MCL violations are highlighted violations in yellow below.

Quarter	TTHM	HAA5
2012Q1	33.5	29.8
2012Q2	33.0	29.8
2012Q3	42.3	28.1
2012Q4	51.0	48.0
2013Q1	55.8	47.7
2013Q2	53.4	55.6
2013Q3	52.2	61.3
2013Q4	56.9	43.1
2014Q1	72.8	53.1
2014Q2	81.2	50.9
2014Q3	81.3	60.0

The Lead Operator for the Kickapoo Tribal Drinking Water Plant has been working with the EPA, the Indian Health Service, and the Kansas Rural Water Association to perform in-plant sampling and procedural changes to address this trend. The EPA has set up a meeting on October 21, 2014, to analyze the information gathered from the study that is currently being performed at the Kickapoo PWS and to discuss the transition from the Stage 1 DBP Rule to the Stage 2 DBP Rule.

If you have questions on this letter and to confirm the acceptance of the meeting on October 21, 2014, please contact Kimberly Willis at willis.kimberly@epa.gov or by telephone at (913) 551-7069.

Sincerely,

A handwritten signature in black ink that reads "Karen Flournoy". The signature is fluid and cursive, with the first name "Karen" being more prominent than the last name "Flournoy".

Karen Flournoy, Division Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Sylvia Barnett, Executive Director
Jim Conklin, Water Plant Lead Operator
Lyle Setwyn, Indian Health Service
Lonnie Boeller, KS Rural Water

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Total Trihalomethanes (TTHM) MCL Violation at Kickapoo Tribal Public Water System

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results from July-September 2014 show that our system exceeds the standard, or maximum contaminant level (MCL), for TTHM. The standard for TTHM is 80 micrograms/Liter. It is determined by averaging all samples collected by our system for the last 12 months. The level of TTHM averaged at our system was 81.3 micrograms/Liter.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

What does this mean?

This is not an emergency. If it had been an emergency, you would have been notified within 24 hours.

TTHM are four volatile organic chemicals which form when disinfectants react with natural organic matter in the water.

People who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.

What is being done?

Corrective Action: The Kickapoo Tribal PWS is working closely with the EPA, the IHS, and the KS Rural Water Association to resolve the problem. In-plant sampling is being performed and operational procedures are being adjusted to determine the cause of the exceedances. In-plant improvements are being made this quarter and will continue to be made until the problem is resolved.

For more information please contact Jim Conklin, Water Plant Operator 785-486-2140 or by mail at 1107 Goldfinch Road, Horton, KS 66439.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Kickapoo Tribal Public Water System EPA Water System ID#: 070000002.

Date distributed: _____

CERTIFICATE OF DELIVERY

PWS NAME: Kickapoo Tribal Water System

EPA ID No.: 0700000002

For violations: MCL Violation of Running Annual Average of Total Trihalomethane Acids

Occurring on: July-September 2014

The public water system indicated above, hereby affirms that public notice has been provided to consumers in accordance with delivery, content, and format requirements and deadlines in 40 CFR Part 141, Subpart Q.

Consultation with primacy agency (if required) on: _____
(insert date) (name of EPA staff contacted)

Notice posted at _____
(insert locations) (insert date)

Notice distributed by _____
(insert method) (insert date)

Attached: A copy of all public notices used to reach customers is required to accompany this "Certificate of Delivery".

Signature of official agent, owner or manager/operator

Date

Contents of Notice

All public notices must include a clear and readily understandable explanation of each violation or situation and must address the following (10) elements:

1. Description of the violation or situation including contaminants(s) of concern and (as applicable) the contaminant level(s);
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation, using standard language provided in the rule;
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternate water supplies should be used;
6. What actions consumers should take, including when to seek medical help, if known;
7. What the system is doing to correct the violation or situation;
8. When the system expects to return to compliance or solve the situation;
9. Contact information: name, business address, and phone number of the water system owner, operator, or designee of the Public Water System that can provide additional information; and
10. A statement encouraging notice recipients to distribute the notice to other persons served by the water system.

